

THIS SIGNED ADDENDUM ACKNOWLEDGEMENT PAGE SHALL BE RETURNED TO THIS OFFICE VIA **FAX AT 410-537-7801**, ATTENTION: MAGGIE JOHNSON PRIOR TO THE BID OPENING DATE.



**Maryland
Transportation
Authority**

Martin O'Malley
Governor

Anthony Brown
Lt. Governor

Beverley K. Swaim-Staley
Chairman

Peter J. Basso
Rev. Dr. William C. Calhoun, Sr.
Mary Beyer Halsey
Louise P. Hoblitzell
Richard C. Mike Lewin
Michael J. Whitson
Walter E. Woodford, Jr., P.E.

Harold M. Bartlett
Acting Executive Secretary

Beverly Hill, Director of
Division of Procurement and
Statutory Program Compliance
2310 Broening Highway
Suite 160
Baltimore MD 21224
410-537-6769
410-537-1044 (fax)
711 (MD Relay)
1-888-713-1596

e-mail: mdta@mdta.maryland.gov

www.mdta.maryland.gov



November 18, 2010

TO ALL PURCHASER'S OF CONTRACT DOCUMENTS

ADDENDUM NO. 1

RE: Contract No. MA 2435-000-002
Miscellaneous Paving Repairs

To Whom It May Concern:

The following changes have been made to the Contract Invitation for Bids Documents:

1. Attached are the minutes and MBE handouts from the Pre-bid Meeting held on November 3, 2010.
2. The Bid Due Date for the above referenced contract is still on **December 2, 2010.**

Very truly yours,

Sandra E. Clifford
Chief Procurement Officer

SEC/mdj

THIS ADDENDUM SIGNED ACKNOWLEDGEMENT PAGE MUST BE ATTACHED TO THE OUTSIDE COVER OF THE BID BOOK. FAILURE TO DO SO MAY RESULT IN REJECTION OF YOUR BID.

Pre-Bid Meeting

MDTA Contract No. MA 2435-000-002
Miscellaneous Paving Repairs

10:00 A.M., Wednesday, November 3, 2010 - - FSK Administration Conference Room

The following people were in attendance:

| | | |
|-----------------|--------------------------|--------------|
| Joe Dean | American Infrastructure | 410-776-7831 |
| Peter Placke | Gray & Son, Inc. | 410-771-4311 |
| Tom Williams | P. Flanigan & Sons, Inc. | 410-467-5900 |
| Angelica Daniel | MDTA – Engineering | 410-537-7828 |
| Bhuvan Eshwar | MDTA – Engineering | 410-537-7834 |
| Jim Wesselhoff | MDTA – Engineering | 410-537-7856 |
| Gregory Butler | MDTA – PSPC | 410-537-7812 |
| Ben Mondell | MDTA – PSPC | 410-537-7811 |
| Janile Scott | MDTA – PSPC | 410-537-7833 |
| Nekeisha Suarez | MDTA – PSPC | 410-537-7833 |

Mr. Ben Mondell opened the meeting with the following announcements:

This contract provides for the removal by grinding and replacement of bituminous concrete paving at bridge approaches, toll plazas, shoulders, acceleration and deceleration lanes, ramps, parking lots, joint repairs, slab failures, and mainline roadways which are experiencing surface distortion or distresses. The work on this contract is intended to be an “on call” contract.

The work under this contract may be performed at the facilities of Baltimore Harbor Tunnel, Fort McHenry Tunnel, Francis Scott Key Bridge, Governor Harry W. Nice Memorial Bridge, Inter County Connector, John F. Kennedy Memorial Highway, Point Breeze Office Complex, Thomas J. Hatem Memorial Bridge, and the William Preston Lane Jr. Memorial Bridge and related approach roadways located in Anne Arundel County, Baltimore City, Baltimore County, Cecil County, Charles County, Harford County, Howard County, Montgomery County, Prince George’s County and Queen Anne’s County.

1. All engineering and layout services if required will be provided by the Authority.
2. It is anticipated that all project assignments will consist of a minimum of fifty (50) tons of bituminous concrete paving.
3. This contract will cover five (5) years of pavement grinding and repairs as indicated in this proposal. The term will begin one day after Notice to Proceed of the Contract.
4. In case of an emergency repair as designated by the Engineer, the Contractor shall be on site to perform work within four (4) hours of notification. On a normal repair, work is expected to take place within two weeks of notification.

The contract time is 1825 calendar days.

The liquidated damages are: N/A.

1. The bid due date is **December 2, 2010** by 12 Noon. Late bids **will not** be accepted.
2. Bid packages must be placed in the bid box located on the first floor of the Engineering Building at the Francis Scott Key Bridge, 300 Authority Drive and should consist of one complete bid book.
3. The Authority does not encourage overnight delivery service. However, if you choose to send your package overnight, the bid should be delivered at least a day in advance. It will be the responsibility of the Contractor to make sure that his/her bid package is placed in the bid box. The outside envelope of the mailed package must clearly identify the Contract Number and mention that it is a bid package.
4. The minutes from this meeting will be included in Addendum No. 1 and distributed to all purchasers of the bid documents. Addendum No. 1 is scheduled to be issued on November 18, 2010.
5. Please make sure you fill out the bid tabs accurately and completely. Not doing so may render your bid non-responsive.
6. I strongly recommend that you review page 6, The Notice to bidders and pages 2-5, Important Information Regarding MBE Utilization and Bidding Requirements of this invitation to bids prior to submitting your bid on this project.
7. Following this meeting, all questions should be in writing and addressed to the project manager Mr. Bhuvan Eshwar via fax 410-537-7801. The Authority will accept written questions until 4:00PM, Wednesday, November 10, 2010. Answers to questions will be distributed to all purchases of bid documents via addendum.
8. There is an MBE goal for this project. The Overall goal is 26% with no subgoals. Nekeisha Suarez discussed the MBE program. If you require assistance with the MBE directory please contact Ms. Suarez at 410-537-7833.

The meeting was then opened to questions and comments concerning the project. The following questions were discussed and responses provided:

Question: How can you expect us to bid for a 5-year contract as the asphalt prices and trucking costs could vary drastically?

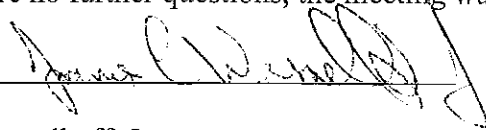
Response: The following sections of the MA-2435-000-002 Bid-Book address this question.
TC-7.09 – Cost Adjustments for Diesel Fuel
Section 504.04.01 – Price Adjustment for Asphalt Binder
Section 504.04.05 - Asphalt Cement price Index
Also, GP-7.26 Cost and Price Certification of Maryland State Highway Administration's Standard Specifications For Construction And Materials - 2008 addresses the question.

Question: How do you expect us to fulfill the requirement of attending emergency work within 4-hours of being called and also fulfill the MBE goal?

Response: MdTA will take into account the severity of the repair and will request that the Contractor make a good faith effort to report to the work site within the specified time limit. There is no monetary penalty for failure to comply with this requirement.

As there were no further questions, the meeting was then adjourned.

Approved: _____



James C. Wesselhoff, Jr.
Highway Manager

CONTRACT: MA-2435-000-002
Miscellaneous Paving Repairs
November 3, 2010

[illegible]

LIST OF PURCHASERS OF INVITATION FOR BIDS

Contract No.: MA 2435-000-002

Price: \$50.00

Bid Opening Date: December 2, 2010

Class: G

| | | |
|--|--|--|
| P. Flanigan 2444 Loch Raven Rd. Baltimore, MD 21218 P: (410) 467-5900 F: (410) 467-3127 (2 Sets) | American Infrastructure 2011 Belair Rd. Fallston, MD 21047 P: (410) 776-2000 F: (410) 893-2695 | Gray & Son, Inc. 430 W. Padonia Rd. Timonium, MD 21093 P: (410) 771-4311 F: (410) 771-8125 |
| Bardon Inc. DBA Aggregate Industries 6401 Golden Triangle Dr. Suite 400 Greenbelt, MD 20770 P: (301) 982-1400 F: (301) 513-0016 | | |
| | | |
| | | |
| | | |
| | | |

NAICS CODES
MA-2435-000-002

| NAICS Codes | Descriptions |
|-------------|--|
| MOT | Maintenance of Traffic |
| 237310 | Highway, Street, and Bridge Construction |
| 324121 | Asphalt Paving Mixture and Block Manufacturing |
| 238110 | Poured Concrete Foundation and Structure Contractors |
| 327320 | Ready-Mix Concrete Manufacturing |
| 238320 | Painting and Wall Covering Contractors |
| 423320 | Brick, Stone, and Related Construction Material Merchant Wholesalers |
| | Construction and Mining (except Oil Well) Machinery and Equipment Merchant Wholesalers |
| 423810 | |
| 424950 | Paint, Varnish, and Supplies Merchant Wholesalers |

Dual Certification Procurement Information

Effective on October 1, 2009, Minority Business Enterprise (MBE) firms may elect to be dually certified as woman-owned businesses and as members of an ethnic or racial category. For purposes of achieving any gender or ethnic/racial MBE participation subgoals in a particular contract, an MBE firm that has dual certification may participate in the contract either as a woman-owned business or as a business owned by a member of a racial or ethnic minority group, **but not both**.

WARNING – PLEASE READ:

- ◆ A firm must be listed in the MDOT MBE/DBE Directory with the gender category in order to be used to meet the gender subgoal.
- ◆ A firm must be listed in the MDOT MBE/DBE Directory with an ethnic/racial category in order to be used to meet the ethnic/racial subgoal.
- ◆ A firm must be listed in the MDOT MBE/DBE Directory with both the gender and ethnic/racial categories in order for a contractor to have the option of selecting which of those categories it will use for the firm on a State contract.
- ◆ Contractors should designate whether the MBE firm will be used as a woman-owned business or as a business owned by a member of a racial/ethnic group before calculating the percentage of MBE participation goals and subgoals they intend to meet.

Maryland's MBE/DBE Directory will reflect the dual certification status beginning October 1, 2009. You can access the MBE/DBE Directory at <http://mbe.mdota.state.md.us>. Firms with dual certification will now be listed as follows:

Example:

ABC Corporation, Inc.
123 Corporate Circle
Hanover, MD 21076
Female/African American
00-000



Maryland Department of Transportation
Office of Minority Business Enterprise

MBE/DBE Application Assistance Workshop

Date:

September 7, 2010

Location:

MDOT Headquarters
7201 Corporate Center Dr.
Hanover, MD 21076

Registration:

9:30 a.m. - 10 a.m.

Workshop:

10 a.m. - 1 p.m.

Cost:

Free

Online pre-registration is strongly encouraged.
Visit www.mdot.maryland.gov/MBE_Program/Index.html and go to the "Application Assistance Workshop" section.

Special Resource Guest:

Small business insurance solutions presented by
Loretta Fuller.

Upcoming Workshops:

October 5, 2010

November 9, 2010

December 7, 2010

Attention small and minority business owners!

Small and minority business owners interested in increasing their exposure to State, local and federal government contracting opportunities are encouraged to attend a free workshop focused on Maryland's **Minority Business Enterprise (MBE) and Disadvantaged Business Enterprise (DBE) certification** program.

Demystify the Application Process

- ☒ Receive a comprehensive overview of the certification process.
- ☒ Take an indepth look at the Uniform Certification Application.
- ☒ Meet with a certification expert one-on-one and ask questions about the application as it relates specifically to your business.

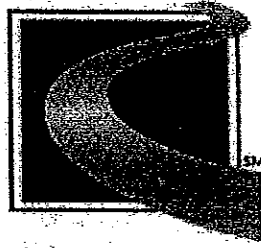
Who Should Attend?

- ☒ Firms interested in learning about the benefits of MBE/DBE certification.
- ☒ Firms with questions about the application and/or the application process.
- ☒ Firms seeking guidance on specific elements of the application.

The **MBE/DBE Application Assistance Workshop** is hosted by the Maryland Department of Transportation's (MDOT) Office of Minority Business Enterprise (OMBE) – *the official certification agency for the State.*

The free workshop is held the first Tuesday of every month.
Online pre-registration is strongly encouraged.

For more information, visit the Minority/Disadvantaged Business Enterprise section of MDOT's website at www.mdot.maryland.gov.



Maryland
Transportation
Authority

Minority Business Enterprise
(MBE)
Program
Pre- Bid Hand-out

Prepared By: Procurement and Statutory Program Compliance (PSPC)
July 2010

Contents

- Minority Business Enterprise (MBE) Program Highlights.....Pg.4
- Maryland Department of Transportation (MDOT) MBE Plan
Form "A – D" for State Funded Bids and Proposals.....Pg. 9
- Good Faith Efforts Waiver ChecklistPg.13
- Minority / Disadvantage Business Enterprise Good
Faith Efforts Policy Statement.....Pg.15
- Structural Steel Policy Statement.....Pg.19
- Using the MDOT MBE/DBE Directory (Example).....Pg.23
- Frequently asked Common Terms as Defined
by the MDOT MBE Manual.....Pg.34

MINORITY BUSINESS ENTERPRISE PROGRAM HIGHLIGHTS

Maryland Transportation Authority

Minority Business Enterprise Program Highlights

For purposes of MBE contract goal attainment and MBE Contract Compliance, the following information highlights the Maryland Department of Transportation (MDOT) Program Requirements:

1. Any participating MBE must be certified by MDOT to perform the item(s) of work /service selected for contract goal attainment.
2. Any participating MBE must serve a commercially useful function and may not act like a broker, unless it is certified as a broker (insurance or real estate). A firm is considered to perform a commercially useful function when it is responsible for execution of a distinct element of the work of a contract and carries out its responsibilities by actually performing, managing and supervising the work involved and /or negotiates the cost of, arranges and accepts delivery of and pays for the materials or supplies required for the work of its contract. If, at any time before execution of the contract, the contractor determines that the designated MBE subcontractor has or will become unavailable, it immediately shall notify the Administration.
3. Any change in the approved MBE Plan must be approved in advance by the Administration and shall indicate the contractor's efforts to substitute another certified MBE subcontractor to perform the work.
4. Contract Goal Credits for Materials and Supplies.
 - a. A bidder may count toward its MBE goal expenditures for materials and supplies obtained from certified business suppliers, provided that the certified businesses assume the actual and contractual responsibility for the provision of the materials and supplies. The bidder may count its entire expenditure to a certified business supplier that manufactures or produces goods from raw material or that substantially alters

goods before resale. The bidder may count 60 percent of the expenditures to certified suppliers who are not manufactures towards its MBE goals.

- b. Double Payee (Joint) checks to MBEs and suppliers for materials used by an MBE sub-contractor for its contracted work are allowable providing such a payment arrangement is offered to all subcontractor relationships and not restricted to just MBEs, and the MBE participates in scheduling the delivery of the materials and is fully responsible for ensuring that the materials meet specifications. However, when the contractor makes such payments, it is recommended that the payments be made by jointly endorsable checks signed by the contractor and MBE.
- c. For MBE firms that are not MBE regular dealers or manufacturers, a contractor may only count toward its MBE goal the fees charged for delivery of materials and supplies required on the job site (but not the cost of the materials and supplies themselves) when the trucking enterprise or delivery service is not also the manufacturer of or regular dealer in the materials and supplies, provided that the fee is determined by the administration to be reasonable and not excessive as compared with fees customarily allowed for similar services.

5. Third Tier Subcontracting. Third Tier Contracting is not the usual way for a prime contractor to achieve a MBE goal. However, there may be rare occasions when third tier contracting would be acceptable. Two conditions must be met before approval of a third tier contracting arrangement, which may be entered into to meet a MBE goal:

- a. The Authority must be satisfied that there is no way except by third tier contracting that a MBE/DBE goal can be achieved;
- b. The prime contractor must request of the Authority, in writing, prior to the awarding of a contract, that approval be granted for each third tier contract arrangement. The

request must contain the specifics as to why a third tier contracting arrangement is being requested to meet the MBE goal.

6. Waivers:

The Administration will strictly adhere to the requirement for documentation of any waiver requests as provided in COMAR. Accordingly, if, for any reason, a contractor is unable to achieve the contract goal or sub-goal MBE participation, it may request, in writing, an exception (waiver) to the goal with justification to include the following:

- a. A detailed statement of the efforts made to select portions of the work proposed to be performed by certified MBE (s);
- b. A detailed statement of the efforts made to contract and negotiate with certified MBEs including:
 - (i) The names, addresses, dates and telephone numbers of MBEs contacted; and
 - (ii) A description of the information provided to MBEs regarding the plans, specifications and anticipated time schedule for portions of the work to be performed;
 - (iii) As to each certified MBE that placed a subcontract quotation or offer that your company considers not to be acceptable, a detailed statement of the reasons for this conclusion; and
 - (iv) A list of certified MBEs found to be unavailable. This list should be accompanied by a MBE Unavailability Certification (Form D-EEO-005) signed by the MBE, or a detailed statement from the contractor concerning the MBE's refusal to give the certification.

A waiver of a contract goal may be granted only upon a reasonable demonstration by the bidder or offeror that certified MBE participation was unable to be obtained or was unable to

be obtained at a reasonable price and if the Administration determines that a waiver serves the public interest.

7. MBE Contract Compliance Monitoring MBE contract compliance monitoring commences upon official award of the contract has been made and continues throughout the life of the contract. An assigned contract compliance officer will advise the contractor and all approved participating MBE subcontractors, in writing, of compliance requirements, monitoring activities and will request necessary records to establish MBE contractor compliance. If a contractor or any participating MBE subcontractor is found to be in non-compliance with the terms of MDOT's MBE Program or with the State's MBE Law, and fails or refuses to take the corrective action required, administrative sanctions may be imposed in order to promote the purpose of MDOT's MBE Program. These may be, suspension of work, withholding payment, referral of the matter to the Office of the Attorney General for action, or any other action that is authorized under the contract or by State or federal laws.

8. Fraud Provisions

Bidders are advised that Section 14-308 of the MBE Law provides that a person may prosecuted for a felony for the following acts:

- a. Fraudulently obtaining, holding or attempting to obtain or hold MBE certification;
- b. Aiding another person in fraudulently obtaining, holding or attempting to obtain or hold MBE certification;
- c. Willfully obstructing, impeding, or attempting to obstruct or impede a State official or employee or employee investigating the qualifications of a business entity that has requested certification;
- d. Fraudulently obtaining, attempting to obtain, or aiding another person in fraudulently obtaining or attempting to obtain, public monies to which the person is not entitled; or

e. In any minority business enterprise matter administered under subtitle 14:

- (i) Willfully falsify, conceal, or cover up a material fact by any scheme or device;
- (ii) Make a false or fraudulent statement or representation; or
- (iii) Use a false writing or document that the person knows to contain a false statement or entry

Persons found guilty of violating these provisions are guilty of a felony and on conviction are subject to a fine not exceeding \$ 20,000 or imprisonment not exceeding five years, or both. Persons convicted under Section 14-308 may also be debarred from performing on State contracts by the Board of Public Works ("Board") for a period of time determined to be appropriate by the Board under the circumstances.

9. MBE Contract Support

Personnel of the Maryland Department of Transportation, its Administrations and the Authority offer contractor practicable support for MBE contract goal attainment. This assistance is available from Monday through Friday during normal business hours by calling 410-865-1269. Examples of MDOT Program assistance include:

To Majority Contractors

- Identifying subcontract items for goal attainment
- Answering questions related to MBE Program requirements

To Minority Contractors

- Answering questions related to MBE Program requirements
- Providing information on required contract records
- Referral to designated consultants for assistance for business related problems

**MARYLAND DEPARTMENT OF
TRANSPORTATION
(MDOT)
MINORITY BUSINESS ENTERPRISE
(MBE) FORMS
STATE-FUNDED**

**“A” thru “D”
For bids only**

MDOT MBE FORM A
STATE-FUNDED CONTRACTS (BIDS ONLY)
CERTIFIED MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT
PAGE 1 OF 2

THIS AFFIDAVIT MUST BE INCLUDED WITH THE BID. IF THE BIDDER FAILS TO ACCURATELY COMPLETE AND
SUBMIT THIS AFFIDAVIT AS REQUIRED, THE BID SHALL BE DEEMED NOT RESPONSIVE.

In connection with the bid submitted in response to Solicitation No. _____, I affirm the following:

1. MBE Participation (PLEASE CHECK ONLY ONE)

☐ I have met the overall certified Minority Business Enterprise (MBE) participation goal of _____ percent (_____ %) and the subgoal of _____ percent (_____ %) for Women-Owned MBE firms and the subgoal of _____ percent (_____ %) for African-American Owned MBE firms. I agree that the MBE firms listed in the MBE Participation Schedule - Part 2 of the MDOT MBE Form B (State-Funded Contracts – Bids Only) will be used to accomplish the MBE participation goal and subgoals (if any) for this Contract for at least the dollar amounts set forth therein.

OR

☐ I conclude that I am unable to achieve the MBE participation goal and/or subgoals. I hereby request a waiver of the overall goal and/or subgoals. Within 10 business days of receiving notice that our firm is the apparent awardee or as requested by the Procurement Officer, I will submit a written waiver request and all required documentation in accordance with COMAR 21.11.03.11. I agree that the MBE firms listed in the MBE Participation Schedule - Part 2 of the MDOT MBE Form B (State-Funded Contracts – Bids Only) will be used to accomplish the MBE participation goal and subgoals (if any) for this Contract for at least the dollar amounts set forth therein.

2. Additional MBE Documentation

I understand that if I am notified that I am the apparent awardee or as requested by the Procurement Officer, I must submit the following documentation within 10 business days of receiving such notice:

- (a) Outreach Efforts Compliance Statement (MDOT MBE Form C - State-Funded Contracts – Bids Only);
- (b) Subcontractor Project Participation Statement (MDOT MBE Form D - State-Funded Contracts – Bids Only);
- (c) MBE Waiver Request documentation per COMAR 21.11.03.11 (if waiver was requested); and
- (d) Any other documentation required by the Procurement Officer to ascertain bidder's responsibility in connection with the certified MBE participation goal and subgoals, if any.

I acknowledge that if I fail to return each completed document (in 2 (a) through (d)) within the required time, the Procurement Officer may determine that I am not responsible and therefore not eligible for contract award.

MDOT MBE FORM A
STATE-FUNDED CONTRACTS (BIDS ONLY)
CERTIFIED MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT
PAGE 2 OF 2

3. Information Provided to MBE firms

In the solicitation of subcontract quotations or offers, MBE firms were provided not less than the same information and amount of time to respond as were non-MBE firms.

I solemnly affirm under the penalties of perjury that the information in this affidavit is true to the best of my knowledge, information and belief.

Company Name

Signature of Representative

Address

Printed Name and Title

City, State and Zip Code

Date

MDOT MBE FORM B
STATE-FUNDED CONTRACTS (BIDS ONLY)
MBE PARTICIPATION SCHEDULE

PART 1 – INSTRUCTIONS FOR MBE PARTICIPATION SCHEDULE

**PARTS 2 AND 3 MUST BE INCLUDED WITH THE BID. IF THE BIDDER FAILS TO ACCURATELY COMPLETE AND SUBMIT
PART 2 WITH THE BID AS REQUIRED, THE BID SHALL BE DEEMED NOT RESPONSIVE.**

PAGE 1 OF 2

***** STOP *****

FORM INSTRUCTIONS
PLEASE READ BEFORE COMPLETING THIS FORM

1. Please refer to the Maryland Department of Transportation (MDOT) MBE Directory at www.mdot.state.md.us to determine if a firm is certified for the appropriate North American Industry Classification System ("NAICS") Code and the product/services description (specific product that a firm is certified to provide or specific areas of work that a firm is certified to perform). For more general information about NAICS, please visit www.naics.com. Only those specific products and/or services for which a firm is certified in the MDOT Directory can be used for purposes of achieving the MBE participation goals.
2. In order to be counted for purposes of achieving the MBE participation goals, the firm must be certified for that specific NAICS ("MBE" for State-funded projects designation after NAICS Code). **WARNING:** If the firm's NAICS Code is in graduated status, such services/products will not be counted for purposes of achieving the MBE participation goals. Graduated status is clearly identified in the MDOT Directory (such graduated codes are designated with the word graduated after the appropriate NAICS Code).
3. Examining the NAICS Code is the first step in determining whether an MBE firm is certified and eligible to receive MBE participation credit for the specific products/services to be supplied or performed under the contract. The second step is to determine whether a firm's Products/Services Description in the MBE Directory includes the products to be supplied and/or services to be performed that are used to achieve the MBE participation goals.
4. If you have any questions as to whether a firm is certified to perform the specific services or provide specific products, please call MDOT's Office of Minority Business Enterprise at 1-800-544-6056 or via email at mbe@mdot.state.md.us.
5. The Contractor's subcontractors are considered second-tier subcontractors. Third-tier contracting used to meet an MBE goal is to be considered the exception and not the rule. The following two conditions must be met before MDOT, its Modal Administrations and the Maryland Transportation Authority, may approve a third-tier contracting agreement: (a) the bidder must request in writing approval of each third-tier contract arrangement, and (b) the request must contain specifics as to why a third-tier contracting arrangement should be approved. These documents must be submitted with the bid in Part 2 of this MBE Participation Schedule.
6. For each MBE firm that is being used as supplier/wholesaler/regular dealer/broker/manufacture, please follow these instructions for calculating the dollar amount of the subcontract for purposes of achieving the MBE participation goals:
 - A. Is the firm certified as a broker of the products/supplies? If the answer is YES, please continue to Item C. If the answer is NO, please continue to Item B.
 - B. Is the firm certified as a supplier, wholesaler, regular dealer, or manufacturer of such products/supplies? If the answer is YES, continue to Item D. If the answer is NO, continue to Item C only if the MBE firm is certified to perform trucking/hauling services under NAICS Codes 484110, 484121, 484122, 484210, 484220 and 484230. If the answer is NO and the firm is not certified under these NAICS Codes, then no MBE participation credit will be given for the supply of these products.
 - C. For purposes of achieving the MBE participation goal, you may count only the amount of any reasonable fee that the MBE firm will receive for the provision of such products/supplies - not the total subcontract amount or the value (or a percentage thereof) of such products and/or supplies. In Column 4 of the MBE Participation Schedule, please state the amount of any reasonable fee that the MBE firm will receive for the provision of such products/services in Line 4.1.
 - D. Is the firm certified as a manufacturer (refer to the firm's NAICS Code and specific description of products/services) of the products/supplies to be provided? If the answer is NO, please continue to Item E. If the answer is YES, for purposes of achieving the MBE participation goal, you may count the total amount of the subcontract. In Column 4 of the MBE Participation Schedule, please state the total amount of the subcontract in Line 4.1.

MDOT MBE FORM B
STATE-FUNDED CONTRACTS (BIDS ONLY)
MBE PARTICIPATION SCHEDULE

PART 1 – INSTRUCTIONS FOR MBE PARTICIPATION SCHEDULE

PAGE 2 OF 2

E. Is the firm certified as a supplier, wholesaler and/or regular dealer? If the answer is YES (i) if the MBE firm is furnishing and installing the materials and is certified to perform these services, please include in Line 4.1 the total value of the subcontract amount (including full value of supplies); or (ii) if the firm is only being used as a supplier, wholesaler and/or regular dealer or is not certified to install the supplies/materials, for purposes of achieving the MBE participation goal, you may only count sixty percent (60%) of the value of the subcontract for these supplies/products (60% Rule). In Column 4, Section 4.2 of the MBE Participation Schedule, please state the amount of the subcontract for these supplies/products only (not installation) and sixty percent (60%) of such value.

7. **WARNING:** The percentage of MBE participation, computed using the dollar amounts in Column 4 for all of the MBE firms listed in Part 2, **MUST** at least equal the MBE participation goal and subgoals (if applicable) as set forth in MDOT MBE Form A – State-Funded Contracts (Bids Only) for this solicitation. If a bidder is unable to achieve the MBE participation goal and/or any subgoals (if applicable), then the bidder must request a waiver in Form A or the bid will be deemed not responsive. You may wish to use the Worksheet shown below to assist you in calculating the percentages and confirming that you have met the applicable MBE participation goal and subgoals (if any).

WORKSHEET

Total African American-Owned Firm Participation Amount \$ _____

(Add amounts listed for African-American Owned Firms
in Column 4 of MBE Participation Schedule)

Divide by Total Contract Amount ÷ _____

Percent African American-Owned Participation = _____ %

Total Women-Owned Firm Participation Amount \$ _____

(Add amounts listed for Women-Owned Firms
in Column 4 of MBE Participation Schedule)

Divide by Total Contract Amount ÷ _____

Percent Women-Owned Firm Participation = _____ %

Total MBE Firm Participation Amount \$ _____

(Add amounts listed for all MBE Firms
in Column 4 of MBE Participation Schedule)

Divide by Total Contract Amount ÷ _____

Percent Overall MBE Participation = _____ %

MDOT MBE FORM B
STATE-FUNDED CONTRACTS (BIDS ONLY)
MBE PARTICIPATION SCHEDULE

PART 2 – MBE PARTICIPATION SCHEDULE

PART 2 MUST BE INCLUDED WITH THE BID. IF THE BIDDER FAILS TO ACCURATELY COMPLETE AND SUBMIT PART 2 WITH THE BID AS REQUIRED, THE BID SHALL BE DEEMED NOT RESPONSIVE.

PAGE ____ OF ____

| Prime Contractor | Project Description | Solicitation Number |
|------------------|---------------------|---------------------|
| | | |

LIST INFORMATION FOR EACH CERTIFIED MBE SUBCONTRACTOR USED TO ACHIEVE THE MBE PARTICIPATION GOAL

| COLUMN 1 | COLUMN 2 | COLUMN 3 | COLUMN 4 |
|---|---|--|---|
| | | | Unless the bidder requested a waiver in MDOT MBE Form A – State Funded Contracts (Bids Only) for this solicitation, the cumulative MBE participation for all MBE firms listed herein must equal at least the MBE participation goal and subgoals set forth in Form A. |
| NAME OF MBE SUBCONTRACTOR AND TIER | CERTIFICATION NO. AND MBE CLASSIFICATION | NAICS CODE/S NAICS Code/s of the specific products to be supplied or services to be performed by the MBE firm | FOR PURPOSES OF ACHIEVING THE MBE PARTICIPATION GOAL AND SUBGOALS. State the dollar amount of the products/services in Line 4.1 except for those services or products where the MBE firm is being used as a wholesaler, supplier, regular dealer, or broker. For those items of work where the MBE firm is being used as a supplier, wholesaler and/or regular dealer complete Line 4.2 using the 60% Rule. |
| <input type="checkbox"/> Please check if MBE firm is a third-tier contractor (if applicable). Please submit written documents in accordance with Section 5 of Part 1 - Instructions | Certification Number: _____ <input type="checkbox"/> Women-Owned <input type="checkbox"/> African American-Owned <input type="checkbox"/> Other MBE Classification | | 4.1. TOTAL AMOUNT TO BE PAID TO THE SUBCONTRACTOR (EXCLUDING PRODUCTS/SERVICES FROM SUPPLIERS, WHOLESALERS, REGULAR DEALERS AND BROKERS) \$ _____ 4.2. TOTAL AMOUNT TO BE PAID TO THE SUBCONTRACTOR FOR ITEMS OF WORK WHERE THE MBE FIRM IS BEING USED AS A SUPPLIER, WHOLESALER AND/OR REGULAR DEALER) (PLEASE REFER TO SECTION 6(E) IN PART 1 - INSTRUCTIONS). Total value of Supplies/Products \$ _____ X 60% (60% Rule) = \$ _____ (Amount for purposes of achieving the MBE Participation Goal and Subgoals). |

☐ Please check if Continuation Sheets are attached.

MDOT MBE FORM B
STATE-FUNDED CONTRACTS (BIDS ONLY)
MBE PARTICIPATION SCHEDULE
CONTINUATION SHEET

PAGE ____ OF ____

| Prime Contractor | Project Description | Solicitation Number |
|------------------|---------------------|---------------------|
| | | |

LIST INFORMATION FOR EACH CERTIFIED MBE SUBCONTRACTOR USED TO ACHIEVE THE MBE PARTICIPATION GOAL

| COLUMN 1 | COLUMN 2 | COLUMN 3 | COLUMN 4 |
|---|---|--|--|
| NAME OF MBE SUBCONTRACTOR AND TIER | CERTIFICATION NO. AND MBE CLASSIFICATION | NAICS CODE/S NAICS Code/s of the specific products to be supplied or services to be performed by the MBE firm | Unless the bidder requested a waiver in MDOT MBE Form A – State Funded Contracts (Bids Only) for this solicitation, the cumulative MBE participation for all MBE firms listed herein must equal at least the MBE participation goal and subgoals set forth in Form A. FOR PURPOSES OF ACHIEVING THE MBE PARTICIPATION GOAL AND SUBGOALS. State the dollar amount of the products/services in Line 4.1 except for those services or products where the MBE firm is being used as a wholesaler, supplier, regular dealer, or broker. For those items of work where the MBE firm is being used as a supplier, wholesaler and/or regular dealer complete Line 4.2 using the 60% Rule. |
| <input type="checkbox"/> Please check if MBE firm is a third-tier contractor (if applicable). Please submit written documents in accordance with Section 5 of Part 1 - Instructions | Certification Number: _____ <input type="checkbox"/> Women-Owned <input type="checkbox"/> African American-Owned <input type="checkbox"/> Other MBE Classification | | <p><u>4.1 TOTAL AMOUNT TO BE PAID TO THE SUBCONTRACTOR (EXCLUDING PRODUCTS/SERVICES FROM SUPPLIERS, WHOLESALERS, REGULAR DEALERS AND BROKERS)</u></p> <p>\$ _____</p> <p><u>4.2 TOTAL AMOUNT TO BE PAID TO THE SUBCONTRACTOR FOR ITEMS OF WORK WHERE THE MBE FIRM IS BEING USED AS A SUPPLIER, WHOLESALER AND/OR REGULAR DEALER (PLEASE REFER TO SECTION 6(E) IN PART 1 - INSTRUCTIONS)</u></p> <p>Total value of Supplies/Products \$ _____</p> <p>X 60% (60% Rule) = \$ _____</p> <p>(Amount for purposes of achieving the MBE Participation Goal and Subgoals)</p> |

☐ Please check if Continuation Sheets are attached.

MDOT MBE FORM B
STATE-FUNDED CONTRACTS (BIDS ONLY)
MBE PARTICIPATION SCHEDULE

PART 3 – CERTIFICATION FOR MBE PARTICIPATION SCHEDULE

PARTS 2 AND 3 MUST BE INCLUDED WITH THE BID. AS DIRECTED IN THE INVITATION TO BID.

I hereby affirm that I have reviewed the Products and Services Description (specific product that a firm is certified to provide or areas of work that a firm is certified to perform) set forth in the MDOT MBE Directory for each of the MBE firms listed in Part 2 of this MBE Form B for purposes of achieving the MBE participation goals and subgoals that were identified in the MBE Form A that I submitted with this solicitation, and that the MBE firms listed are only performing those products/services/areas of work for which they are certified. I also hereby affirm that I have read and understand the form instructions set forth in Part 1 of this MBE Form B.

I solemnly affirm under the penalties of perjury that the contents of Parts 2 and 3 of MDOT MBE Form B are true to the best of my knowledge, information and belief.

Company Name

Signature of Representative

Address

Printed Name and Title

City, State and Zip Code

Date

MDOT MBE FORM C

STATE-FUNDED CONTRACTS (BIDS ONLY) OUTREACH EFFORTS COMPLIANCE STATEMENT

In conjunction with the bid submitted in response to Solicitation No. _____, I state the following:

1. Bidder took the following efforts to identify subcontracting opportunities in these specific work categories:
2. Attached to this form are copies of written solicitations (with bidding instructions) used to solicit certified MBE firms for these subcontract opportunities.
3. Bidder made the following attempts to personally contact the solicited MBE firms:

4. Please Check One:

☐ Bidder assisted MBE firms to fulfill or to seek waiver of bonding requirements. (DESCRIBE EFFORTS)

☐ This project does not involve bonding requirements.

5. Please Check One:

☐ Bidder did attend the pre-bid meeting/conference

☐ No pre-bid meeting/conference was held.

☐ Bidder did not attend the pre-bid meeting/conference

Company Name

Signature of Representative

Address

Printed Name and Title

Date

MDOT MBE FORM D

STATE-FUNDED CONTRACTS (BIDS ONLY)

MBE SUBCONTRACTOR PROJECT PARTICIPATION AFFIDAVIT

IF THE BIDDER FAILS TO RETURN THIS AFFIDAVIT WITHIN THE REQUIRED TIME, THE PROCUREMENT OFFICER MAY DETERMINE THAT THE BIDDER IS NOT RESPONSIBLE AND THEREFORE NOT ELIGIBLE FOR CONTRACT AWARD. SUBMIT ONE FORM FOR EACH CERTIFIED MBE FIRM LISTED IN THE MBE PARTICIPATION SCHEDULE

Provided that _____ (Prime Contractor's Name) is awarded the State contract in conjunction with Solicitation No. _____, such Prime Contractor will enter into a contract with _____ (Subcontractor's Name) committing to participation by the MBE firm _____ (MBE Name) with MDOT Certification Number _____ (If subcontractor previously listed is also the MBE firm, please restate name and provide MBE Certification Number) will receive for at least \$ _____ (Total Subcontract Amount) for performing the following products/services for the Contract:

| NAICS CODE | WORK ITEM, SPECIFICATION NUMBER, LINE ITEMS OR WORK CATEGORIES (IF APPLICABLE) | DESCRIPTION OF SPECIFIC PRODUCTS AND/OR SERVICES |
|------------|--|--|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

I solemnly affirm under the penalties of perjury that the information provided in this MBE Subcontractor Project Participation Affidavit is true to the best of my knowledge, information and belief. I acknowledge that, for purposes of determining the accuracy of the information provided herein, the Procurement Officer may request additional information, including, without limitation, copies of the subcontract agreements and quotes.

| PRIME CONTRACTOR | SUBCONTRACTOR (SECOND-TIER) | SUBCONTRACTOR (THIRD-TIER) |
|------------------------------------|--------------------------------------|--------------------------------------|
| Signature of Representative: _____ | Signature of Representative: _____ | Signature of Representative: _____ |
| Printed Name and Title: _____ | Printed Name and Title: _____ | Printed Name and Title: _____ |
| Firm's Name: _____ | Firm's Name: _____ | Firm's Name: _____ |
| Address: _____ | Federal Identification Number: _____ | Federal Identification Number: _____ |
| | Address: _____ | Address: _____ |
| Telephone: _____ | | |
| Date: _____ | Telephone: _____ | Telephone: _____ |
| | Date: _____ | Date: _____ |

IF MBE FIRM IS A THIRD-TIER SUBCONTRACTOR, THIS FORM MUST ALSO BE EXECUTED BY THE SECOND-TIER SUBCONTRACTOR THAT HAS THE SUBCONTRACT AGREEMENT WITH THE MBE FIRM.

Maryland Transportation Authority (MdTA)
Office of Minority Business Enterprise
2310 Broening Highway, Suite 150
Baltimore, Maryland 21224
(410) 537-6769 (410) 537-7801 - Fax



Disadvantaged/Minority Contractor
Unavailability Certificate -
D-005 (02-03)

PLEASE COMPLETE AND RETURN TO THE ABOVE ADDRESS:

It is hereby certified that:

(Name of Prime Contractor)

(Number) (Street) (City) (State) (Zip code)

On (Date) contacted the Disadvantage/Minority Business Enterprise:

(Name of Sub-contractor)

(Number) (Street) (City) (State) (Zip code)

Seeking to obtain a Bid for work/service in relation to project/contract number:

List the type of work/service requested:

Indicate the form of Bid sought:

Reason given by Sub-contractor for lack of participation:

Certification:

To the best of my knowledge and belief, said subcontractor is unavailable or unable to participate due to the above reason. Signature of Prime Contractor:

(Name) (Date)

The above statement is a true and accurate account of why my Firm is unable to participate. Signature of Sub-contractor:

(Name) (Date)

**MARYLAND DEPARTMENT OF
TRANSPORTATION
(MDOT)
MINORITY BUSINESS ENTERPRISE
(MBE) FORMS
STATE-FUNDED**

**“A” thru “D”
For Proposals only**

MDOT MBE FORM A
STATE-FUNDED CONTRACTS (PROPOSALS ONLY)
CERTIFIED MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT
PAGE 1 OF 2

THIS AFFIDAVIT MUST BE INCLUDED WITH THE PROPOSAL AS DIRECTED IN THE SOLICITATION. THE FAILURE OF AN OFFEROR TO PROPERLY COMPLETE AND SUBMIT THIS AFFIDAVIT SHALL RESULT IN A DETERMINATION THAT THE PROPOSAL IS NOT SUSCEPTIBLE OF BEING SELECTED FOR AWARD.

In connection with the proposal submitted in response to Solicitation No. _____, I affirm the following:

1. MBE Participation (PLEASE CHECK ONLY ONE)

☐ I have met the overall certified Minority Business Enterprise (MBE) participation goal of _____ percent (_____ %) and the subgoal of _____ (_____ %) percent for Women-Owned MBE firms and the subgoal of _____ percent (_____ %) for African-American Owned MBE firms. I agree that the MBE firms listed in the MBE Participation Schedule - Part 2 of the MDOT MBE Form B (State-Funded Contracts – Proposals Only) will be used to accomplish the MBE participation goal and subgoals (if any) for this Contract for at least the percentage amounts set forth therein.

OR

☐ I conclude that I am unable to achieve the MBE participation goal and/or subgoals. I hereby request a waiver of the overall goal and/or subgoals. Within 10 business days of receiving notice that our firm is the apparent awardee or as requested by the Procurement Officer, I will submit a written waiver request and all required documentation in accordance with COMAR 21.11.03.11. I agree that the MBE firms listed in the MBE Participation Schedule - Part 2 of the MDOT MBE Form B (State-Funded Contracts – Proposals Only) will be used to accomplish the MBE participation goal and subgoals (if any) for this Contract for at least the percentage amounts set forth therein.

2. Additional MBE Documentation

I understand that if I am notified that I am the apparent awardee or as requested by the Procurement Officer, I must submit the following documentation within 10 business days of receiving such notice:

- (a) Outreach Efforts Compliance Statement (MDOT MBE Form C - State-Funded Contracts – Proposals Only);
- (b) Subcontractor Project Participation Statement (MDOT MBE Form D - State-Funded Contracts – Proposals Only);
- (c) MBE Waiver Request documentation per COMAR 21.11.03.11 (if waiver was requested); and
- (d) Any other documentation required by the Procurement Officer to ascertain offeror's responsibility in connection with the certified MBE participation goal and subgoals, if any.

I acknowledge that if I fail to return each completed document (in 2 (a) through (d)) within the required time, the Procurement Officer may determine that I am not responsible and therefore not eligible for contract award.

MDOT MBE FORM A
STATE-FUNDED CONTRACTS (PROPOSALS ONLY)
CERTIFIED MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT
PAGE 2 OF 2

3. Information Provided to MBE firms

In the solicitation of subcontract quotations or offers, MBE firms were provided not less than the same information and amount of time to respond as were non-MBE firms.

I solemnly affirm under the penalties of perjury that the information in this affidavit is true to the best of my knowledge, information and belief.

Company Name

Signature of Representative

Address

Printed Name and Title

City, State and Zip Code

Date

MDOT MBE FORM B
STATE-FUNDED CONTRACTS (PROPOSALS ONLY)
MBE PARTICIPATION SCHEDULE

PART 1 – INSTRUCTIONS FOR MBE PARTICIPATION SCHEDULE

PARTS 2 AND 3 MUST BE INCLUDED WITH THE PROPOSAL. THE FAILURE OF AN OFFEROR TO PROPERLY COMPLETE AND SUBMIT PART 2 SHALL RESULT IN A DETERMINATION THAT THE PROPOSAL IS NOT SUSCEPTIBLE OF BEING SELECTED FOR AWARD.

PAGE 1 OF 2

*** STOP ***

FORM INSTRUCTIONS
PLEASE READ BEFORE COMPLETING THIS FORM

1. Please refer to the Maryland Department of Transportation (MDOT) MBE Directory at www.mdot.state.md.us to determine if a firm is certified for the appropriate North American Industry Classification System ("NAICS") Code and the product/services description (specific product that a firm is certified to provide or specific areas of work that a firm is certified to perform). For more general information about NAICS, please visit www.naics.com. Only those specific products and/or services for which a firm is certified in the MDOT Directory can be used for purposes of achieving the MBE participation goals.
2. In order to be counted for purposes of achieving the MBE participation goals, the firm must be certified for that specific NAICS ("MBE" for State-funded projects designation after NAICS Code). **WARNING:** If the firm's NAICS Code is in graduated status, such services/products will not be counted for purposes of achieving the MBE participation goals. Graduated status is clearly identified in the MDOT Directory (such graduated codes are designated with the word graduated after the appropriate NAICS Code).
3. Examining the NAICS Code is the first step in determining whether an MBE firm is certified and eligible to receive MBE participation credit for the specific products/services to be supplied or performed under the contract. The second step is to determine whether a firm's Products/Services Description in the MBE Directory includes the products to be supplied and/or services to be performed that are used to achieve the MBE participation goals.
4. If you have any questions as to whether a firm is certified to perform the specific services or provide specific products, please call MDOT's Office of Minority Business Enterprise at 1-800-544-6056 or send an email to mbe@mdot.state.md.us.
5. The Contractor's subcontractors are considered second-tier subcontractors. Third-tier contracting used to meet an MBE goal is to be considered the exception and not the rule. The following two conditions must be met before MDOT, its Modal Administrations and the Maryland Transportation Authority, may approve a third-tier contracting agreement: (a) the bidder must request in writing approval of each third-tier contract arrangement, and (b) the request must contain specifics as to why a third-tier contracting arrangement should be approved. These documents must be submitted with the proposal in Part 2 of this MBE Participation Schedule.
6. For each MBE firm that is being used as supplier/wholesaler/regular dealer/broker/manufacturer, please follow these instructions for calculating the percentage of the Contract (as provided in price/financial proposal or any best and final offer) for purposes of achieving the MBE participation goal and subgoals (if applicable):
 - A. Is the firm certified as a broker of the products/supplies? If the answer is YES, please continue to Item C. If the answer is NO, please continue to Item B.
 - B. Is the firm certified as a supplier, wholesaler, regular dealer, or manufacturer of such products/supplies? If the answer is YES, continue to Item D. If the answer is NO, continue to Item C only if the MBE firm is certified to perform trucking/hauling services under NAICS Codes 484110, 484121, 484122, 484210, 484220 and 484230. If the answer is NO and the firm is not certified under these NAICS Codes, then no MBE participation credit will be given for the supply of these products.
 - C. For purposes of achieving the MBE participation goal, you may count only the amount of any reasonable fee that the MBE firm will receive for the provision of such products/supplies - not the total subcontract amount or the value (or a percentage thereof) of such products and/or supplies. In Column 4 of the MBE Participation Schedule, please state the amount of any reasonable fee as a percentage of Contract that the MBE firm will receive for the provision of such products/services in Line 4.1.
 - D. Is the firm certified as a manufacturer (refer to the firm's NAICS Code and specific description of products/services) of the products/supplies to be provided? If the answer is NO, please continue to Item E. If the answer is YES, for purposes of achieving the MBE participation goal, you may count the total amount of the subcontract. In Column 4 of the MBE Participation Schedule, please state the total amount of the subcontract in Line 4.1 as a percentage of Contract.

MDOT MBE FORM B
STATE-FUNDED CONTRACTS (PROPOSALS ONLY)
MBE PARTICIPATION SCHEDULE

- Worksheet shown below to assist you in calculating the percentages and confirming that you have met the applicable MBE participation goal and subgoals (if any).

WORKSHEET

| | |
|--|-----------|
| Total African American Owned Firm Participation Amount | \$ _____ |
| (Add amounts listed for African American Owned Firms in Column 4 of MBE Participation Schedule) | |
| Divide by Total Contract Amount | ÷ _____ |
| Percent African American-Owned Participation | = _____ % |
| <hr/> | |
| Total Women-Owned Firm Participation Amount | _____ |
| (Add amounts listed for Women-Owned Firms in Column 4 of MBE Participation Schedule) | |
| Divide by Total Contract Amount | ÷ _____ |
| Percent Women-Owned Firm Participation | = _____ % |
| <hr/> | |
| Total MBE Firm Participation Amount | \$ _____ |
| (Add amounts listed for all MBE Firms in Column 4 of MBE Participation Schedule) | |
| Divide by Total Contract Amount | ÷ _____ |
| <i>Percent Overall MBE Participation</i> | = _____ % |

MDOT MBE FORM B
STATE-FUNDED CONTRACTS (PROPOSALS ONLY)
MBE PARTICIPATION SCHEDULE

PART 2 – MBE PARTICIPATION SCHEDULE

PART 2 MUST BE INCLUDED WITH THE PROPOSAL AS DIRECTED IN THE SOLICITATION. THE FAILURE OF AN OFFEROR TO PROPERLY COMPLETE AND SUBMIT PART 2 OF THE MBE PARTICIPATION SCHEDULE SHALL RESULT IN A DETERMINATION THAT THE PROPOSAL IS NOT SUSCEPTIBLE TO BEING SELECTED FOR AWARD.

PAGE ____ OF ____

| Prime Contractor | Project Description | Solicitation Number |
|------------------|---------------------|---------------------|
| | | |

LIST INFORMATION FOR EACH CERTIFIED MBE SUBCONTRACTOR USED TO ACHIEVE THE MBE PARTICIPATION GOAL

| COLUMN 1 | COLUMN 2 | COLUMN 3 | COLUMN 4 |
|---|---|--|--|
| NAME OF MBE SUBCONTRACTOR AND TIER | CERTIFICATION NO. AND MBE CLASSIFICATION | NAICS CODE/S NAICS Code/s of the specific products to be supplied or services to be performed by the MBE firm | Unless the offeror requested a waiver in MDOT MBE Form A – State Funded Contracts (Proposals Only) for this solicitation, the cumulative MBE participation for all MBE firms listed herein must equal at least the MBE participation goal and subgoals set forth in Form A: FOR PURPOSES OF ACHIEVING THE MBE PARTICIPATION GOAL AND SUBGOALS. State the subcontract amount as a percentage of the total contract of the product/services in Line 4.1 except for those services or products where the MBE Firm is being used as a wholesaler, supplier or regular dealer. For those items of work where the MBE firm is being used as a supplier, wholesaler and/or regular dealer, complete Line 4.2 using the 60% rule. |
| <input type="checkbox"/> Please check if MBE firm is a third-tier contractor (if applicable). Please submit written documents in accordance with Section 5 of Part 1 - Instructions | Certification Number: <input type="checkbox"/> Women-Owned <input type="checkbox"/> African American-Owned <input type="checkbox"/> Other MBE Classification | | <p>4.1 TOTAL AMOUNT TO BE PAID TO THE SUBCONTRACTOR - PLEASE STATE THIS AMOUNT AS A PERCENTAGE OF THE TOTAL CONTRACT VALUE (EXCLUDING PRODUCTS/SERVICES FROM SUPPLIERS, WHOLESALERS, AND REGULAR DEALERS – SEE 4.2 BELOW)</p> <p>_____ %</p> <p>4.2 TOTAL AMOUNT TO BE PAID TO THE SUBCONTRACTOR FOR ITEMS OF WORK WHERE THE MBE FIRM IS BEING USED AS A SUPPLIER, WHOLESALER AND/OR REGULAR DEALER (PLEASE REFER TO SECTION 6(E) IN PART 1 - INSTRUCTIONS)</p> <p>Total value of Supplies/Products _____ %</p> <p>X 60% (60% Rule) = _____ %</p> <p>(amount for purposes of achieving the MBE Participation Goal and Subgoals).</p> |

☐ Please check if Continuation Sheets are attached.

MDOT MBE FORM B
STATE-FUNDED CONTRACTS (PROPOSALS ONLY)
MBE PARTICIPATION SCHEDULE
CONTINUATION SHEET

PAGE ____ OF ____

| Prime Contractor | Project Description | Solicitation Number |
|------------------|---------------------|---------------------|
| | | |

LIST INFORMATION FOR EACH CERTIFIED MBE SUBCONTRACTOR USED TO ACHIEVE THE MBE PARTICIPATION GOAL

| COLUMN 1 | COLUMN 2 | COLUMN 3 | COLUMN 4 |
|---|---|---|--|
| | | | Unless the offeror requested a waiver in MDOT MBE Form A - State Funded Contracts (Proposals Only) for this solicitation, the cumulative MBE participation for all MBE firms listed herein must equal at least the MBE participation goal and subgoals set forth in Form A. |
| NAME OF MBE SUBCONTRACTOR AND TIER | CERTIFICATION NO. AND MBE CLASSIFICATION | NAICS CODE/S NAICS Code/s of the specific products to be supplied or services to be performed by the MBE firm. | FOR PURPOSES OF ACHIEVING THE MBE PARTICIPATION GOAL AND SUBGOALS. State the subcontract amount as a percentage of the total contract of the product/services in Line 4.1 except for those services or products where the MBE firm is being used as a wholesaler, supplier or regular dealer. For those items of work where the MBE firm is being used as a supplier, wholesaler and/or regular dealer, complete Line 4.2 using the 60% rule. |
| <input type="checkbox"/> Please check if MBE firm is a third-tier contractor (if applicable). Please submit written documents in accordance with Section 5 of Part 1 - Instructions | Certification Number: _____ <input type="checkbox"/> Women-Owned <input type="checkbox"/> African American-Owned <input type="checkbox"/> Other MBE Classification | | <p>4.1 TOTAL AMOUNT TO BE PAID TO THE SUBCONTRACTOR (PLEASE STATE THIS AMOUNT AS A PERCENTAGE OF THE TOTAL CONTRACT VALUE - EXCLUDING PRODUCTS/SERVICES FROM SUPPLIERS, WHOLESALERS, AND REGULAR DEALERS)</p> <p>_____ %</p> <p>4.2 TOTAL AMOUNT TO BE PAID TO THE SUBCONTRACTOR FOR ITEMS OF WORK WHERE THE MBE FIRM IS BEING USED AS A SUPPLIER, WHOLESALER AND/OR REGULAR DEALER (PLEASE REFER TO SECTION 6(E) IN PART 1 - INSTRUCTIONS)</p> <p>Total value of Supplies/Products _____ %</p> <p>X 60% (60% Rule) = _____ %</p> <p>(omit for purposes of achieving the MBE Participation Goal and Subgoals).</p> |

☐ Please check if Continuation Sheets are attached.

MDOT MBE FORM B
STATE-FUNDED CONTRACTS (PROPOSALS ONLY)
MBE PARTICIPATION SCHEDULE

PART 3 – CERTIFICATION FOR MBE PARTICIPATION SCHEDULE

PARTS 2 AND 3 MUST BE INCLUDED WITH THE PROPOSAL AS DIRECTED IN THE SOLICITATION.

I hereby affirm that I have reviewed the Products and Services Description (specific product that a firm is certified to provide or areas of work that a firm is certified to perform) set forth in the MDOT MBE Directory for each of the MBE firms listed in Part 2 of this MBE Form B for purposes of achieving the MBE participation goals and subgoals that were identified in the MBE Form A that I submitted with this solicitation, and that the MBE firms listed are only performing those products/services/areas of work for which they are certified. I also hereby affirm that I have read and understand the form instructions set forth in Part 1 of this MBE Form B.

I solemnly affirm under the penalties of perjury that the contents of Parts 2 and 3 of MDOT MBE Form B are true to the best of my knowledge, information and belief,

Company Name

Signature of Representative

Address

Printed Name and Title

City, State and Zip Code

Date

MDOT MBE FORM C

STATE-FUNDED CONTRACTS (PROPOSALS ONLY) OUTREACH EFFORTS COMPLIANCE STATEMENT

In conjunction with the offer/proposal submitted in response to Solicitation No. _____, I state the following:

1. Offeror took the following efforts to identify subcontracting opportunities in these specific work categories:
2. Attached to this form are copies of written solicitations (with bidding instructions) used to solicit certified MBE firms for these subcontract opportunities.
3. Offeror made the following attempts to personally contact the solicited MBE firms:
4. Please Check One:
☐ Offeror assisted MBE firms to fulfill or to seek waiver of bonding requirements. (DESCRIBE EFFORTS)

☐ This project does not involve bonding requirements.

5. Please Check One:
- ☐ Offeror did attend the pre-proposal meeting/conference
- ☐ No pre-proposal meeting/conference was held.
- ☐ Offeror did not attend the pre-proposal meeting/conference

Company Name

Signature of Representative

Address

Printed Name and Title

Date

MDOT MBE FORM D

STATE-FUNDED CONTRACTS (PROPOSALS ONLY)

MBE SUBCONTRACTOR PROJECT PARTICIPATION AFFIDAVIT

IF THE OFFEROR FAILS TO RETURN THIS AFFIDAVIT WITHIN THE REQUIRED TIME, THE PROCUREMENT OFFICER MAY DETERMINE THAT THE OFFEROR IS NOT RESPONSIBLE AND THEREFORE NOT ELIGIBLE FOR CONTRACT AWARD. SUBMIT ONE FORM FOR EACH CERTIFIED MBE FIRM LISTED IN THE MBE PARTICIPATION SCHEDULE

Provided that _____ (Prime Contractor's Name) is awarded the State contract in conjunction with Solicitation No. _____, such Prime Contractor will enter into a contract with _____ (Subcontractor's Name) committing to participation by the MBE firm _____ (MBE Name) with MDOT Certification Number _____ (if subcontractor previously listed is also the MBE firm, please restate name and provide MBE Certification Number) will receive for at least _____% (Total Subcontract Amount – as a percentage of total Contract value) for performing the following products/services for the Contract:

| NAICS CODE | WORK ITEM, SPECIFICATION NUMBER, LINE ITEMS OR WORK CATEGORIES (IF APPLICABLE) | DESCRIPTION OF SPECIFIC PRODUCTS AND/OR SERVICES |
|------------|--|--|
| | | |
| | | |
| | | |
| | | |
| | | |

I solemnly affirm under the penalties of perjury that the information provided in this MBE Subcontractor Project Participation Affidavit is true to the best of my knowledge, information and belief. I acknowledge that, for purposes of determining the accuracy of the information provided herein, the Procurement Officer may request additional information, including, without limitation, copies of the subcontract agreements and quotes.

| PRIME CONTRACTOR | SUBCONTRACTOR (SECOND-TIER) | SUBCONTRACTOR (THIRD-TIER) |
|---------------------------------------|---|---|
| Signature of Representative: _____ | Signature of Representative: _____ | Signature of Representative: _____ |
| Printed Name and Title: _____ | Printed Name and Title: _____ | Printed Name and Title: _____ |
| Firm's Name: _____ | Firm's Name: _____ | Firm's Name: _____ |
| Address: _____ _____ | Federal Identification Number: _____ Address: _____ _____ | Federal Identification Number: _____ Address: _____ _____ |
| Telephone: _____ | Telephone: _____ | Telephone: _____ |
| Date: _____ | Date: _____ | Date: _____ |

IF MBE FIRM IS A THIRD-TIER SUBCONTRACTOR, THIS FORM MUST ALSO BE EXECUTED BY THE SECOND-TIER SUBCONTRACTOR THAT HAS THE SUBCONTRACT AGREEMENT WITH THE MBE FIRM.

Maryland Transportation Authority (MdTA)
Office of Minority Business Enterprise
2310 Broening Highway, Suite 150
Baltimore, Maryland 21224
(410) 537-6769 (410) 537-7801 - Fax



Disadvantaged/Minority Contractor
Unavailability Certificate -
D-005 (02-03)

PLEASE COMPLETE AND RETURN TO THE ABOVE ADDRESS;

It is hereby certified that:

(Name of Prime Contractor)

(Number) (Street) (City) (State) (Zip code)

On (Date) contacted the Disadvantage/Minority Business Enterprise:

(Name of Sub-contractor)

(Number) (Street) (City) (State) (Zip code)

Seeking to obtain a Bid for work/service in relation to project/contract number:

List the type of work/service requested:

Indicate the form of Bid sought:

Reason given by Sub-contractor for lack of participation:

Certification:

To the best of my knowledge and belief, said subcontractor is unavailable or unable to participate due to the above reason. Signature of Prime Contractor:

(Name) (Date)

The above statement is a true and accurate account of why my Firm is unable to participate. Signature of Sub-contractor:

(Name) (Date)

GOOD FAITH EFFORTS WAIVER CHECKLIST

PRIME CONTRACTORS'
GOOD FAITH EFFORTS/WAIVER CHECKLIST

Prime Contractors who put Good Faith into action will:

- ✓ Use direct solicitation, minority/women community organizations, contractors' groups, and local, state, and federal minority/women-owned business assistance offices to reach MBEs;
- ✓ Identify and assist firms that may need bonding, lines of credits, insurance, equipment, and other related issues; or assist firms that are not certified but could possibly serve on a contract and satisfy DBE/MBE goals by becoming certified;
- ✓ Identify clear sub-contractible work that will enable MBEs to compete;
- ✓ Provide the MBEs with proper information regarding the job; to include plans, specifications, and anticipated time schedule for portions of the work to be performed;
- ✓ Coordinate pre-bid meetings to inform MBEs of contracting and subcontracting opportunities;
- ✓ Advertise in general circulation, trade associations, and minority focused media concerning the subcontracting opportunities;
- ✓ Provide written notice to all certified MBEs who are certified in the work areas and have capabilities of the contract for which their participation is solicited (Contractor must allow a minimum of 10 days for the MBEs to respond to the written solicitation.); and
- ✓ Follow up on initial solicitations of interest by contacting MBEs to determine if the MBEs are interested (Contractor must detail the efforts showing names, addresses, dates, and telephone numbers of the certified MBEs contacted along with a description of information provided.)

Prime Contractors who have done the above and are submitting a waiver will:

- ✓ Document everything listed above;
- ✓ As required by regulations provide a written request for a waiver;
- ✓ Provide detailed statements of efforts to achieve the goal; to include the name, address and telephone number of all DBE/MBEs contacted, as well as the date of contact;
- ✓ Provide a list of unavailable MBEs, including a Minority Contractor Unavailability Certification Form (Form D-005) signed by an owner or officer of each unavailable DBE/MBE (If the DBE/MBE refused to sign D-005, the contractor will /should submit a statement regarding this refusal.);
- ✓ If the contractor deems a DBE/MBE to be unqualified and rejects the DBE/MBE, the contractor will provide written explanation of this decision (Contractor's reasoning must be based on a thorough investigation of MBE capabilities.);
- ✓ Provide evidence that the contractor tried to negotiate in good faith with interested MBEs;
- ✓ Demonstrate that certified MBE participation was unable to be obtained at a reasonable price or that public interest is best served by a waiver;
- ✓ Demonstrate a reasonable effort to meet the overall MBE goal with other MBE classifications if the request for a waiver is for a certain MBE classification within an overall MBE goal; and
- ✓ Provide evidence from prior projects showing that the contractor has previously successfully met or exceeded assigned MBE goals.

**MDOT
MINORITY/DISADVANTAGE
BUSINESS ENTERPRISE
GOOD FAITH EFFORTS POLICY
STATEMENT**

MARYLAND DEPARTMENT OF TRANSPORTATION

POLICY STATEMENT – GOOD FAITH EFFORTS

April 22, 2004

MINORITY/DISADVANTAGED BUSINESS ENTERPRISES

It is the policy of the Maryland Department of Transportation (MDOT) that businesses owned by socially and economically disadvantaged person(s) shall have the maximum feasible opportunity to participate in the performance of contracts awarded by MDOT. The MDOT requires its contractors and subcontractors not to discriminate on the basis of race, color, religion, national origin, sex or disability in the award or performance of contracts. In support of this commitment, the MDOT has adopted the following Good Faith Efforts (GFE) Policy, which shall be applicable to all contracts awarded by the MDOT or its modal administrations.

In accordance with 49 CFR, Part 26, 53 and Md. Code Ann., State Fin. & Proc. Art., 14-302, the MDOT shall award a contract only to a bidder/offeree that makes GFE to meet the Minority Business Enterprise (MBE) or Disadvantaged Business Enterprise (DBE) contract goal. A determination that a bidder/offeree has made GFE shall only be made upon a determination by the MDOT that the bidder/offeree has shown that it:

- Has obtained enough MBE or DBE participation to meet the contract goal; or
- Has taken all necessary and reasonable steps to achieve the goal, which by their scope, intensity and appropriateness to the objective, could reasonably be expected to obtain sufficient MBE/DBE participation, even if they were ultimately unsuccessful.

The MDOT will make a fair and reasonable judgment whether a bidder/offeree who did not meet the goal made adequate GFEs. This policy expands the definition of GFE to allow greater flexibility to ensure DBE/MBE participation is obtained.

At a minimum, a statement of GFE submitted by the bidder/offeree shall include:

1. The name, address, and telephone number of all DBE/MBEs contacted, as well as the date of contact;
2. A description of the information provided to the contacted DBE/MBEs regarding the plans, specifications and anticipated time schedule for portions of the work to be performed;
3. As appropriate, a detailed statement of the reasons why a DBE/MBE quotation was considered unacceptable; and
4. As appropriate, a list of DBE/MBE contractors found to be unavailable. For DBE/MBE contractors that are unavailable, the bidder/offeree shall provide a Minority Contractor Unavailability Certificate Form (Form D-005) signed by an owner or officer of the DBE/MBE.

If a DBE/MBE refuses to sign the unavailability certificate, the bidder/offeror shall submit a statement indicating as such.

To aid in the determination of whether the bidder/offeror has shown GFE, the MDOT may also look at the percentage of DBE/MBE participation obtained by other bidders/offerors on the procurement.

In addition to the requirements above, the following is a list of outreach efforts that MDOT will consider as part of the bidder/offeror's GFE to obtain DBE/MBE participation. Bidders/offerors shall be encouraged to offer innovative GFE initiatives to demonstrate GFE. MDOT administrations have the flexibility to approve such innovative initiatives. The following list is illustrative only and not intended to be exhaustive.

In a GFE determination, MDOT administrations may consider any information provided by a bidder/offeror concerning the following outreach efforts:

1. The bidder/offeror's efforts to solicit through all reasonable and available means (e.g., attendance at pre-bid meetings, advertising and/or written notices) the interest of certified DBEs/MBEs that may have the capability to perform the work of the contract. The bidder/offeror should present evidence that it solicited this interest within adequate time to allow the DBEs/MBEs to respond to the solicitation. The bidder/offeror should also provide evidence that it took appropriate steps to follow up initial solicitations.
2. The bidder/offeror's selection of the work to be performed by DBEs/MBEs in order to increase the likelihood that the DBE/MBE contract goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE/MBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.
3. The bidder/offeror's actions to provide interested DBEs/MBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.
4. The bidder/offeror's negotiations with DBE/MBEs
 - a. Negotiating in good faith with interested DBEs/MBEs. It is the bidder/offeror's responsibility to make a portion of the work available to DBE/MBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE/MBE subcontractors and suppliers. Evidence of such negotiation shall include the names, addresses, and telephone numbers of DBEs/MBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and information as to why additional agreements could not be reached for DBEs/MBEs to perform the work.
 - b. A bidder/offeror using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE/MBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs/MBEs is not in itself sufficient reason for a bidder/offeror's failure to meet the contract DBE/MBE

goal, as long as such costs are reasonable. Also, the ability or desire of a bidder/offeror to perform the work of a contract with its own organization does not relieve that bidder/offeror of the responsibility to make GFE to meet the contract goal. This policy does not require a prime contractor to accept a higher quote from a DBE/MBE if the price is excessive or unreasonable.

5. The bidder/offeror must provide sound reasons for rejecting a DBE/MBE as unqualified. Any rejection of a DBE/MBE as unqualified shall be based on a thorough investigation of its capabilities. The DBE/MBE's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example, union vs. non-union employees' status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal.
6. The bidder/offeror's efforts to assist interested DBEs/MBEs in obtaining bonding, lines of credit, or insurance as required by the owner or contract.
7. The bidder/offeror's efforts, with prior written approval of the MDOT agency, to assist interested DBEs/MBEs to obtain necessary equipment, supplies, materials, or related assistance or services.
8. The bidder/offeror's effective use of the services of available minority/women community organizations; minority/women contractors' groups; local, state and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBE/MBE.
9. The bidder/offeror's efforts to identify and assist firms that are not certified but could possibly service on a contract and satisfy DBE/MBE goals if the firm were to be certified by the MDOT.
10. Evidence of the bidder/offeror's record of meeting or exceeding DBE/MBE participation goals on prior projects.

This policy applies to all MDOT contracts that contain a DBE/MBE participation goal. All MDOT personnel are responsible for implementing and adhering to this policy.

MDOT STRUCTURAL STEEL POLICY STATEMENT

MARYLAND DEPARTMENT OF TRANSPORTATION

POLICY STATEMENT – STRUCTURAL STEEL/LARGE SUPPLY ITEMS
(Revised May 13, 2003)

MINORITY/DISADVANTAGED BUSINESS ENTERPRISES

The policy supercedes the Maryland Department of Transportation (MDOT) Structural Steel/Large Supply Items policy dated September 22, 1994.

MDOT and the Maryland Transportation Authority (MdTA) are committed to providing the maximum amount of contracting opportunities to certified Disadvantaged Business Enterprises (DBEs) and Minority Business Enterprises (MBEs). This policy statement affirms MDOT's efforts to maximize DBE/MBE participation on contracts to the greatest extent possible and applies to all contracts that contain a DBE/MBE goal.

The previous policy excluded Structural Steel as a sub-contractible item available for DBE/MBE participation since there were no structural steel manufacturers certified by MDOT. This exemption is no longer applicable since firms have now been certified under this category.

Structural steel as an item of supply may be included as a sub-contractible item for the setting of DBE/MBE goals on contracts.

In addition, structural steel as an item of supply may be used to obtain or count minority business participation credit under the DBE/MBE Program. The installation or erection of structural steel can be included as a sub-contractible item for goal setting, and as an item available for DBE/MBE participation.

The definition to be used for this policy is as follows:

The term structural steel refers to the steel elements of the structural steel frame that are essential to the support of the design loads for buildings and bridges, as well as the steel elements in tunnel linings.

Beyond this policy on structural steel, it is vitally important for each MDOT agency and MdTA to apply the provisions of the DBE/MBE program for furnishings and installing large supply items. This policy emphasizes that it is necessary for the DBE/MBE to have a necessary and useful role in the complete business transaction, and a role that is visible outside of the context of the DBE/MBE Program. The role of the firm cannot be a superfluous step to obtain credit for a DBE/MBE goal.

In order for a prime contractor to receive full credit for a large supply item being furnished by a DBE/MBE subcontractor as a "furnish and install" item of work, the DBE/MBE regulations require that the DBE/MBE firm must:

1. Initiate and negotiate the purchase of the steel and/or any large supply item;
2. Be invoiced directly for the cost; and
3. Assume complete responsibility and liability for the item.

To further assist the MDOT agencies in making determinations in this area, the following guidelines are put forth:

1. Count expenditures with DBE/MBEs for materials or supplies toward the goals as provided in the following:
 - a. If the materials or supplies are obtained from a DBE/MBE manufacturer, count 100 percent of the cost of the materials or supplies toward MBE goals.
 - b. For purposes of this policy, a manufacturer is a firm that operates or maintains a factory or establishment that produces on the premises the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.
 - c. If the materials or supplies are purchased from a DBE/MBE regular dealer, count 60 percent of the cost of the materials or supplies toward MBE goals.
2. For purposes of this policy and in accordance with 49CFR25.55(e) and the Program Manual, a regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are brought, kept in stock, and regularly sold or leased to the public in the usual course of business.
3. To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question.

A person may be a regular dealer in bulk items such as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business as provided above if the person both owns and operates distribution equipment for the products. Any supplementing of regular dealers' own distribution equipment shall be by a long-term lease agreement and not on an ad-hoc or contract-by-contract basis.

The Department's Contract Compliance Monitoring Procedures provide the necessary guidance on determining DBE/MBE credit on large supply items. There are several compliance questions, which need to be answered prior to a prime contractor receiving full credit for a DBE/MBE furnish and install item. These questions should include:

1. Who was responsible for setting the dollar amount allotted for supplies on the forms detailing the subcontracted work?
2. How was the cost of supplies derived? Who negotiated the price?
3. Who is responsible for taking delivery of the materials?
4. Who issues the check to pay for the materials?
5. Who assumes contractual and legal responsibility for the materials?
6. Are the materials properly accounted for in the financial records of the subcontractor and not in the records of the prime contractor?

It should be made clear at the beginning of a contract that obtaining participation through the counting of large supply items must comply with the Department's regulations. This also extends to the amount of credit given for the supply items on each contract.

The burden rests on each administration to assess each individual contract prior to the approval of the DBE/MBE package and to monitor the contract closely for compliance. We must continually work to make sure this program brings real benefits to the minority business community.

USING THE MDOT MBE/DBE DIRECTORY (EXAMPLE)



Terms of Use

The Minority Business Enterprise Directory is intended to be used as a guide for selecting certified Minority Business Enterprises to utilize on State and/or USDOT assisted contracts. Information in the directory should be verified with the Maryland Department of Transportation's Office of Minority Business Enterprise.

This web site and the information it contains are provided as a public service by the Maryland Department of Transportation (MDOT). The MDOT maintains this Minority Business Enterprise/Disadvantaged Business Enterprise (MBE/DBE) Directory for the purpose of providing a reference source of the firms certified by the MDOT as MBE/DBEs.

The MBE/DBE Directory lists certified firms in alphabetical order and also contains information on the specific products and/or services the firm is certified to provide. The MDOT makes no claims, promises, or guarantees regarding a certified MBE/DBE's competence or capability to perform. It is the responsibility of the user of the information provided here to make his/her own determination regarding the capability, competence, and/or limitations of a certified MBE/DBE firm.

The MDOT makes no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the contents of this web site and expressly disclaims liability for errors and omissions in the contents of this web site. No warranty of any kind is given with respect to the contents of this web site or any links to other web sites it may contain. Reference in this web site to any specific commercial product, process, or service, or the use of any trade or business name is for the information of the public and does not constitute an endorsement or recommendation by the MDOT.

Information presented on this web site is considered public information and may be copied and/or distributed. If there is a question concerning the validity of the information provided in this directory, contact the Maryland Department of Transportation's Office of Minority Business Enterprise. You may contact the office at (410) 865-1269 or (800) 544-6056.



EXAMPLE



Usage and Definitions

The MBE/DBE directory makes extensive use of the terms and definitions found on this page.

North American Industry Classification System (NAICS)

The NAICS attempts to group products and/or services into standardized industrial categories. Each category is referenced by a number called a NAICS code. When a firm seeks MBE or DBE certification the products and/or services offered by the firm are evaluated and the appropriate NAICS codes are assigned to that firm. All firms are re-certified annually to ensure the accurate representation of product and/or service offerings.

The MBE/DBE directory can be searched by NAICS code and/or product/service description, which is a useful way of locating firms that perform similar work in order to meet minority subcontractor requirements on state and/or federal procurement projects.

Each assigned NAICS code is accompanied by a certification status designation. Please be advised of the following NAICS code designations when performing NAICS code-specific searches:

- **"MBE/DBE"** - the firm is qualified for ANY State of Maryland Contract including USDOT assisted contracts of the MDOT; these include contracts let by the Maryland State Highway Administration, the Maryland Aviation Administration, and the Maryland Transit Administration.
- **"MBE-ONLY"** - the firm is qualified for State-only Funded Contracts and not USDOT assisted contracts of the MDOT.
- **"DBE-ONLY"** - the firm is qualified to participate only on USDOT assisted contracts of the MDOT.
- **"GRADUATED"** - the firm has exceeded the allowable industry size standard set for MBE/DBE participants and may no longer be claimed as an MBE/DBE on state or federal contracts for work performed in this category.

What is "Graduation?"

Graduation is the recognition that a firm has attained a fiscally significant presence in the marketplace. Firms are reviewed annually and are assigned a graduate status for any NAICS code that relates to an industry in which the firm is proven to have exceeded the allowable MBE/DBE participant revenue threshold. Firms may also graduate as a whole entity if the personal net worth (PNW) of the owner exceeds the allowable maximum for MBE/DBE program participants.

Fully Graduated vs. Partially Graduated

Fully Graduated Firms - are firms that have exceeded the size standard for all of their assigned NAICS code or exceeded the personal net worth (PNW) threshold set for MBE/DBE program participants. Fully graduated firms may not be used for state and/or federal MBE/DBE procurement purposes.

Partially Graduated Firms - are firms that have one or more graduated NAICS codes, but have at least one assigned NAICS code for which they are not graduated. Only non-graduated codes may be used for state and/or federal MBE/DBE procurement purposes.

[Click here to read more about NAICS codes](#)

[Click here for information regarding small business size standards](#)



EXAMPLE



The MBE/DBE directory is updated in real time. This data is current as of 7/20/2010 2:44:54 PM.

Pre-Defined Directory Searches

| Search Type | # of Firms | View | Download |
|---|------------|----------------------|------------------------------|
| Download the entire directory | 4,963 | n/a | XLS (925 kB) |
| Download all MBE/DBE contract eligible firms | 4,948 | n/a | XLS (922 kB) |
| View or download all fully graduated firms | 15 | HTML | XLS (3 kB) |
| View or download all partially graduated firms | 91 | HTML | XLS (18 kB) |
| View or download all firms certified in the last year | 792 | HTML | XLS (146 kB) |

Custom Directory Search

The default search and display settings are restricted to MBE/DBE contract eligible firms only. You may change these settings by selecting the "Show Search Context and Display Options" link. Search results are listed in alphabetical order and are downloadable as an XLS file on the result page.

How Would You Like To Search?

Select the fields for which you will provide criteria. Searches require the selection of at least one field. Choose as many fields as may be appropriate for your search. Criteria will be entered on the next screen.

[Select All](#) | [Clear All](#)

| | | | |
|----------------------|--------------------------|------------------------------|--------------------------|
| Minority Status | <input type="checkbox"/> | County (Maryland firms only) | <input type="checkbox"/> |
| Firm Name | <input type="checkbox"/> | City | <input type="checkbox"/> |
| Product or Service | <input type="checkbox"/> | State | <input type="checkbox"/> |
| NAICS Code | <input type="checkbox"/> | Street Address | <input type="checkbox"/> |
| Certification Number | <input type="checkbox"/> | Zip Code | <input type="checkbox"/> |
| Contact Name | <input type="checkbox"/> | Phone Number | <input type="checkbox"/> |

[Show Search Context and Display Options](#)

Next >>

EXAMPLE



MDOT Directory of Certified MBE and/or DBE firms

[BACK](#) | [EXIT](#)

Custom Directory Search

Fields left empty will not be searched and will have no effect on the result.

Field Name

Search Terms [\[clear all fields\]](#)

Search Context

NAICS code(s):
[about NAICS codes](#)

| | |
|--------|---|
| 237310 | * |
| | * |
| | * |
| | * |
| | * |

Find ALL of these codes

Search

EXAMPLE



MDOT Directory of Certified MBE and/or DBE firms

[BACK](#) | [EXIT](#)

Custom Search

SEARCHING ELIGIBLE CODES AND FIRMS ONLY
NAICS CODES like "237310"
DISPLAYING ELIGIBLE CODES ONLY

201 firms were found using the above criteria. Download this result set as an [XLS file](#).
Select a firm name to view the individual firm profile or [view all profiles](#) at once.

You can [make a custom list](#) of firms based on this result set.

Firm Details

NAICS - Product and Service Description



**A & M-CONCRETE
CORPORATION**
43760 TRADE CENTER
PLACE, #160
DULLES, VA 20166
FEMALE / HISPANIC
AMERICAN
96-083

237310 - MBE-ONLY - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION
(SPECIFICALLY: CURB AND GUTTER, SIDEWALK, PAVERS, SLABS)



**A2Z ENVIRONMENTAL
GROUP, LLC**
250 S. KRESSON STREET
BALTIMORE, MD 21224
FEMALE
01-080

237110 - MBE/DBE - WATER AND SEWER LINE AND RELATED STRUCTURES CONSTRUCTION
(SPECIFICALLY: PLACEMENT OF UNDERDRAINS AND OUTLETS)

237310 - MBE/DBE - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION
(SPECIFICALLY: PAVEMENT LINE STRIPING REMOVAL)

237990 - MBE/DBE - OTHER HEAVY AND CIVIL ENGINEERING CONSTRUCTION
(SPECIFICALLY: INSTALLATION/MAINTENANCE OF EROSION CONTROL DEVICES, SILT/SUPER SILT FENCE,
ORANGE CONSTRUCTION FENCE, SEDIMENT EXCAVATION/CLEANOUT/EARTH DIKES, DIVERSION/SUPER
DIVERSION FENCE, TYPE B & C MATTING)

238910 - MBE/DBE - SITE PREPARATION CONTRACTORS
(SPECIFICALLY: EXCAVATION CONTRACTOR, GRUBBING/CLEARING; BRIDGE DEMOLITION/REMOVAL OF
BRIDGE DECK, REMOVAL OF MANHOLES, TRAFFIC BARRIERS AND PIPES, INTERIOR AND EXTERIOR
DEMOLITION, AND PLACEMENT OF TOPSOIL)

**423320 - MBE/DBE - BRICK, STONE, AND RELATED CONSTRUCTION MATERIAL MERCHANT
WHOLESALE**
(SPECIFICALLY: CONCRETE CRUSHING AND/OR TIRE SHREDDING FOR RESALE)

484220 - MBE/DBE - SPECIALIZED FREIGHT (EXCEPT USED GOODS) TRUCKING, LOCAL
(STONE, MILLING DEBRIS, TOP SOIL, SPECIALTY HAULING)

EXAMPLE

561730 - MBE/DBE - LANDSCAPING SERVICES
(SPECIFICALLY: SEEDING/MULCHING REFERTILIZATION, LIMESTONE APPLICATION, RESEEDING/SOD,
WATERING, TOPSOIL PLACEMENT)

562111 - MBE/DBE - SOLID WASTE COLLECTION

562112 - MBE/DBE - HAZARDOUS WASTE COLLECTION

562910 - MBE/DBE - REMEDIATION SERVICES
(ENVIRONMENTAL CLEANUP, UNDERGROUND TANK TESTING AND REMOVAL)

562998 - MBE/DBE - ALL OTHER MISCELLANEOUS WASTE MANAGEMENT SERVICES
(CLEANING OF EXISTING PIPES AND INLETS AND SCOPING OF DRAINS, AND SEPTIC TANK CLEANING)

☐ **AB CONSTRUCTION, INC.** 236115 - MBE-ONLY - NEW SINGLE-FAMILY HOUSING CONSTRUCTION (EXCEPT OPERATIVE BUILDERS)
9450 ANNAPOLIS ROAD
LANHAM, MD 20706
ASIAN AMERICAN SUB-
CONTINENT
04-313

236116 - MBE-ONLY - NEW MULTIFAMILY HOUSING CONSTRUCTION (EXCEPT OPERATIVE BUILDERS)

236210 - MBE-ONLY - INDUSTRIAL BUILDING CONSTRUCTION

236220 - MBE-ONLY - COMMERCIAL AND INSTITUTIONAL BUILDING CONSTRUCTION

237110 - MBE-ONLY - WATER AND SEWER LINE AND RELATED STRUCTURES CONSTRUCTION

237210 - MBE/DBE - LAND SUBDIVISION

237310 - MBE/DBE - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION

237990 - MBE/DBE - OTHER HEAVY AND CIVIL ENGINEERING CONSTRUCTION
(SPECIFICALLY: HIGHWAY, STREET, AND BRIDGE CONSTRUCTION MANAGEMENT)

238110 - MBE-ONLY - POURED CONCRETE FOUNDATION AND STRUCTURE CONTRACTORS

238120 - MBE-ONLY - STRUCTURAL STEEL AND PRECAST CONCRETE CONTRACTORS

238140 - MBE-ONLY - MASONRY CONTRACTORS

238910 - MBE-ONLY - SITE PREPARATION CONTRACTORS
(SPECIFICALLY: SOIL REMEDIATION SERVICES, DEMOLITION, CLEARING, GRADING, DRAINAGE, AND
DEMOLITION)

EXAMPLE

541380 - MBE-ONLY - TESTING LABORATORIES

AB CONSULTANTS, INC.
9450 ANNAPOLIS ROAD
LANHAM, MD 20706
ASIAN AMERICAN SUB-
CONTINENT
94-165

236115 - MBE/DBE - NEW SINGLE-FAMILY HOUSING CONSTRUCTION (EXCEPT OPERATIVE BUILDERS)

236116 - MBE/DBE - NEW MULTIFAMILY HOUSING CONSTRUCTION (EXCEPT OPERATIVE BUILDERS)

236210 - MBE/DBE - INDUSTRIAL BUILDING CONSTRUCTION

236220 - MBE/DBE - COMMERCIAL AND INSTITUTIONAL BUILDING CONSTRUCTION

237110 - MBE/DBE - WATER AND SEWER LINE AND RELATED STRUCTURES CONSTRUCTION

237310 - MBE/DBE - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION

238110 - MBE/DBE - POURED CONCRETE FOUNDATION AND STRUCTURE CONTRACTORS

238120 - MBE/DBE - STRUCTURAL STEEL AND PRECAST CONCRETE CONTRACTORS

238140 - MBE/DBE - MASONRY CONTRACTORS

541330 - MBE-ONLY - ENGINEERING SERVICES
(SPECIFICALLY: CIVIL, GEO-TECHNICAL, STRUCTURAL, AND DESIGN, PROFESSIONAL ENGINEERING
SERVICE, ENVIRONMENTAL ENGINEERING/REMEDIATION (PHASE 1 - 111))

541370 - MBE-ONLY - SURVEYING AND MAPPING (EXCEPT GEOPHYSICAL) SERVICES

541380 - MBE/DBE - TESTING LABORATORIES

561210 - MBE/DBE - FACILITIES SUPPORT SERVICES

**ACORN BUILDING
SERVICES CORP.**
P.O. BOX 97
SPENCERVILLE, MD 20868
AFRICAN AMERICAN
05-404

237310 - MBE/DBE - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION
(SPECIFICALLY: CONCRETE PAVING, PUBLIC SIDEWALKS, CURBS AND STREET CUTTERS, SIDEWALK,
PUBLIC CONSTRUCTION)

238320 - MBE/DBE - PAINTING AND WALL COVERING CONTRACTORS
(SPECIFICALLY: INTERIOR PAINTING)

238350 - MBE/DBE - FINISH CARPENTRY CONTRACTORS
(SPECIFICALLY: ALUMINUM DOOR AND WINDOW RESIDENTIAL TYPE INSTALLATION, DECK
CONSTRUCTION RESIDENTIAL-TYPE, DOOR, FOLDING INSTALLATION, PREFABRICATED SASH AND DOOR
INSTALLATION, WINDOW AND DOOR (RESIDENTIAL TYPE) OF ANY MATERIAL PREFABRICATED,
INSTALLATION, WINDOW INSTALLATION, WINDOW, METAL-FRAME RESIDENTIAL-TYPE INSTALLATION,
WINDOW, WOOD, INSTALLATION)

EXAMPLE

238990 - MBE/DBE - ALL OTHER SPECIALTY TRADE CONTRACTORS

(SPECIFICALLY: CLEANING BUILDING INTERIORS DURING AND IMMEDIATELY AFTER CONSTRUCTION, CLEANING NEW BUILDING INTERIORS IMMEDIATELY AFTER CONSTRUCTION, CONCRETE PATIO CONSTRUCTION, SLAB, CONCRETE PAVING RESIDENTIAL, DRIVEWAY, CURB & GUTTER RESIDENTIAL AND COMMERCIAL DRIVEWAY AND PARKING AREA, CONCRETE, CONCRETE SAWING AND DRILLING, PATIO CONSTRUCTION, PAVERS, BRICK, PATIO INSTALLATION, SIDEWALK CONSTRUCTION RESIDENTIAL AND COMMERCIAL)

561720 - MBE/DBE - JANITORIAL SERVICES

(SPECIFICALLY: CARPENTRY WORK, CONSTRUCTION CLEAN UP)

AFRAM, INC.
5450 REISTERSTOWN
ROAD, SUITE 101
BALTIMORE, MD 21215
AFRICAN AMERICAN
92-090

237310 - MBE/DBE - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION

238110 - MBE/DBE - POURED CONCRETE FOUNDATION AND STRUCTURE CONTRACTORS

238310 - MBE/DBE - DRYWALL AND INSULATION CONTRACTORS
PLASTERING, DRYWALL, ACOUSTICAL, AND INSULATION WORK.

238320 - MBE/DBE - PAINTING AND WALL COVERING CONTRACTORS

**AGGREGATE PLACEMENT
CORP.**
4420 HAWTHORNE ROAD
INDIAN HEAD, MD 20640
FEMALE
05-429

237310 - MBE/DBE - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION
PAVING TO INCLUDE: PARKING LOTS, SLAB, CURB AND GUTTER

238110 - MBE/DBE - POURED CONCRETE FOUNDATION AND STRUCTURE CONTRACTORS
CONCRETE WORK-SIDEWALKS

238990 - MBE/DBE - ALL OTHER SPECIALTY TRADE CONTRACTORS

CONCRETE CONSTRUCTION TO INCLUDE: WALLS, DECKS, STORM WATER MANAGEMENT, AND WASTE WATER TREATMENT PLANTS.

**AJO CONCRETE
CONSTRUCTION, INC.**
8820 HILDER AVENUE
ANNAPOLIS
JUNCTION, MD 20701
HISPANIC AMERICAN
01-148

237310 - MBE/DBE - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION
(SPECIFICALLY: HIGHWAY AND ROAD MILLING GRINDING SERVICES)

238110 - MBE/DBE - POURED CONCRETE FOUNDATION AND STRUCTURE CONTRACTORS
(SPECIFICALLY: SIDEWALKS, CURB, SLAB & PAD, WALLS, DRIVEWAYS, ASPHALT PATCHING & DRIVEWAYS)

327320 - MBE/DBE - READY-MIX CONCRETE MANUFACTURING

423320 - MBE/DBE - BRICK, STONE, AND RELATED CONSTRUCTION MATERIAL MERCHANT WHOLESALERS

(SPECIFICALLY: READY-MIX CONCRETE MANUFACTURING THE DISTRIBUTION, BRICK, STONE AND RELATED CONSTRUCTION MATERIAL MERCHANT WHOLESALERS (CONCRETE MIX))

488490 - MBE/DBE - OTHER SUPPORT ACTIVITIES FOR ROAD TRANSPORTATION
(SPECIFICALLY: SNOW CLEARING, HIGHWAYS AND BRIDGES)

EXAMPLE

- ☐ **AKM CONSTRUCTORS, LLC**
2388 OAKVIEW DRIVE
PITTSBURGH, PA 15237
ASIAN AMERICAN SUB-CONTINENT
09-119
- 237310 - MBE/DBE - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION
(SPECIFICALLY: INSPECTION OF BRIDGES, ROADS, STEEL, RETAINING WALLS)
- 541330 - MBE/DBE - ENGINEERING SERVICES
(SPECIFICALLY: BRIDGE DESIGN/REDESIGN)
- ☐ **ALKHAN CONSTRUCTION**
501 SUNWOOD LANE
ANNAPOLIS, MD 21409
ASIAN AMERICAN SUB-CONTINENT
95-024
- 237310 - MBE/DBE - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION
(SPECIFICALLY: CONCRETE WORK: SIDEWALK, SLABS, STEPS, ENTRANCES, MEDIANS, BARRIERS, CURB, GUTTER & DRIVEWAYS)
- 238910 - MBE/DBE - SITE PREPARATION CONTRACTORS
(SPECIFICALLY: DEMOLITION, LOW FLOW CHANNELS)
- ☐ **ALPHA PAINTING & CONSTRUCTION CO., INC.**
6800 QUAD AVENUE
BALTIMORE, MD 21237
FEMALE
04-291
- 237310 - MBE/DBE - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION
(SPECIFICALLY: PAINTING AND PAPER HANGING (BRIDGE PAINTING - CONTRACTORS))
- 238990 - MBE/DBE - ALL OTHER SPECIALTY TRADE CONTRACTORS
(SPECIFICALLY: SANDBLASTING BUILDING/STRUCTURES EXTERIORS, CLEANING OF BRIDGES AND STRUCTURAL STEEL STRUCTURE CONTRACTORS (SSPC QP1 AND QP2 CERTIFIED))
- ☐ **AMELIE CONSTRUCTION & SUPPLY, LLC**
725 SAXONBURG BOULEVARD, SUITE 2
SAXONBURG, PA 18056
FEMALE / HISPANIC AMERICAN
05-173
- 237310 - MBE/DBE - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION
SPECIFICALLY: GUARDRAIL/HANDRAIL INSTALLATION; HIGHWAY/BRIDGE REPAIR; INSTALLATION OF SOUND/RETAINING WALLS
- 238110 - MBE/DBE - POURED CONCRETE FOUNDATION AND STRUCTURE CONTRACTORS
- 238120 - MBE/DBE - STRUCTURAL STEEL AND PRECAST CONCRETE CONTRACTORS
- 238190 - MBE/DBE - OTHER FOUNDATION, STRUCTURE, AND BUILDING EXTERIOR CONTRACTORS
- 238910 - MBE/DBE - SITE PREPARATION CONTRACTORS
- 238990 - MBE/DBE - ALL OTHER SPECIALTY TRADE CONTRACTORS
- 423320 - MBE/DBE - BRICK, STONE, AND RELATED CONSTRUCTION MATERIAL MERCHANT WHOLESALERS
SPECIFICALLY: PRE-CAST CONCRETE PRODUCTS
- 423390 - MBE/DBE - OTHER CONSTRUCTION MATERIAL MERCHANT WHOLESALERS
SPECIFICALLY: STRUCTURAL STEEL
- ☐ **AMERICAN STAR BUILDERS, INC.**
P O BOX 342
LOTHIAN, MD 20711
FEMALE
98-163
- 236115 - MBE/DBE - NEW SINGLE-FAMILY HOUSING CONSTRUCTION (EXCEPT OPERATIVE BUILDERS)
- 236116 - MBE/DBE - NEW MULTIFAMILY HOUSING CONSTRUCTION (EXCEPT OPERATIVE BUILDERS)

EXAMPLE

236210 - MBE/DBE - INDUSTRIAL BUILDING CONSTRUCTION

236220 - MBE/DBE - COMMERCIAL AND INSTITUTIONAL BUILDING CONSTRUCTION

237310 - MBE/DBE - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION

238110 - MBE/DBE - POURED CONCRETE FOUNDATION AND STRUCTURE CONTRACTORS

238130 - MBE/DBE - FRAMING CONTRACTORS

238140 - MBE/DBE - MASONRY CONTRACTORS

238150 - MBE/DBE - GLASS AND GLAZING CONTRACTORS

238220 - MBE/DBE - PLUMBING, HEATING, AND AIR-CONDITIONING CONTRACTORS

238310 - MBE/DBE - DRYWALL AND INSULATION CONTRACTORS

238320 - MBE/DBE - PAINTING AND WALL COVERING CONTRACTORS

238330 - MBE/DBE - FLOORING CONTRACTORS

238340 - MBE/DBE - TILE AND TERRAZZO CONTRACTORS

238910 - MBE/DBE - SITE PREPARATION CONTRACTORS

238990 - MBE/DBE - ALL OTHER SPECIALTY TRADE CONTRACTORS
ASBESTOS AND LEAD ABATEMENT

EXAMPLE

FREQUENTLY ASKED COMMON TERMS AS DEFINED IN THE MDOT MBE MANUAL

Common Terms as defined in the MDOT MBE Manual

Third Tier Contracting – The process in which a prime contractor subcontracts a portion of an original contract to a subcontractor who in turn subcontracts a portion of a subcontract to a third party. This latter action is termed entering into a third tier contract.

Supplier – a regular dealer, who owns, operates, or maintains a store, warehouse, or other establishment in which the materials or supplies required for the performance of a contract are placed, kept in stock, and regularly sold to the public in the usual course of business.

The supplier must perform a commercially useful function consistent with normal industry practices. To be a regular dealer, the firm must engage in, as its principal business, and in its own name, the purchase and the sale of the products in question.

A supplier of bulk goods (Cement, gravel, stone, and petroleum products) may qualify as a regular dealer if it either maintains an inventory or owns or operates distribution equipment. With respect to the distribution equipment (A fleet of trucks), the term “operates” is intended to cover a situation in which the supplier leases the equipment on a regular basis for its entire business. It is not intended to cover a situation in which the firm simply provides drivers for trucks owned or leased by another party, (such as a prime contractor) or leases such a party’s trucks on an ad-hoc basis for a specific job.

Regular Dealer – A firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials or supplies required for the performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business.

To be a regular dealer, the firm must engage in, as its principal business, and in its own name, the purchase and sale of the products in question. A regular dealer in such bulk items as cement, gravel, stone and petroleum need not keep such products in stock, if it owns or operates distribution equipment. Brokers and packagers shall not be regarded as manufacturers or regular dealers within the meaning of this section.

A regular dealer must be engaged in selling the product in question to the public. This is important in distinguishing a Regular Dealer, which has a regular trade with a variety of customers, from a firm which performs supply-like functions on an ad-hoc basis or for only one or two contractors with whom it has a special relationship.

A business that simply transfer title of a product from manufacturer to ultimate purchaser (e.g. broker or sales representative who re-invoices a product from the producing company to the recipient or contractor) or a firm that puts a product in a container for deliver would not be considered a Regular Dealer.

A supplier of bulk goods may qualify as a regular dealer if it either maintains an inventory or owns or operates distribution equipment. With respect to the distribution equipment (e.g. a fleet of trucks), the term “operates” is intended to cover a situation in which the supplier leases the equipment on a regular basis for its entire business. It is not intended to cover a situation in the firm simply provides drivers for trucks owned or leased by another party, (e.g., a prime contractor) or leases such as party’s trucks on an ad-hoc basis for a specific job.

Manufacturer – A firm that produces a product from raw materials or substantially alters a previously manufactured product by operating or maintaining a factory or establishment that produces or alters on the premises.

Manufacturer Representative – A business that transfers title of a product from a manufacturer to an ultimate purchaser (e.g., a sales representative who invoices a product from the producing company to the contractors).

Broker – An agent of a buyer who sells stocks, bonds, commodities, or services, usually on a commission basis.

Commercially Useful Function – Work performed by a DBE/MBE in a particular transaction can be counted towards goals only if the Administration determines that it involves a commercially useful function. A certified business is considered to perform a commercially useful function when it is responsible for the execution of a distinct element of the work of a contract and carries out its responsibility by actually performing, managing and supervising the work involved. That is, in light of industry practices and other relevant considerations, the DBE/MBE must have a necessary and useful role in the transaction of a kind for which there is a superfluous step added in an attempt to obtain credit goals.